

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEWIS L. JONES,

Plaintiff,

v.

JOSEPH KELLY, et al.,

Defendants.

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Case No. 19-cv-5935-JDW

ORDER

AND NOW, this 27th day of December, 2019, upon consideration of Plaintiff Lewis L. Jones's Motion to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 3), and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that the Motion to Proceed *In Forma Pauperis* (ECF No. 1) is **GRANTED** pursuant to 28 U.S.C. § 1915.

It is **FURTHER ORDERED** that Plaintiff Lewis L. Jones, #EJ-6001, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Frackville or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Jones's inmate account; or (b) the average monthly balance in Jones's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Jones's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Jones's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

It is **FURTHER ORDERED** that the Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent of SCI Frackville.

It is **FURTHER ORDERED** that the Complaint is **DEEMED** filed.

It is **FURTHER ORDERED** that, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and for the reasons stated in the accompanying Memorandum, the Complaint is **DISMISSED WITHOUT PREJUDICE**.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.